

REMARKS

Claims 1-20 are pending in the present application.

Claims 1-20 were rejected in the December 14, 2007 Office Action.

No claims have been allowed.

Claims 1, 3, 8, 10, 15, 16 and 20 are amended herein.

Claims 1-20 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Section 3 of the December 14, 2007 Office Action, the Examiner rejected Claims 1-4, 8-11, 15-17 and 20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,925,068 to *Stanwood, et al.* (hereinafter, simply “Stanwood ‘068”) in view of U. S. Patent Application Publication No. 2002/0080816 to *Spinar, et al.* (hereinafter, simply “Spinar”). In Section 4 of the December 14, 2007 Office Action, the Examiner rejected Claims 5-7, 12-14, 18-19 under 35 U.S.C. §103(a) as being unpatentable over Stanwood reference in view of Spinar reference and further in view of U.S. Patent No. 6,683,866 to *Stanwood, et al.* (hereinafter, simply “Stanwood ‘866”). The Applicants respectfully traverse the rejections.

Amended independent Claim 1 of the present application currently requires:

For use in a point-to-multipoint wireless network, a base station for transmitting downstream data packets in a downstream traffic channel to customer premises equipment (CPE) devices and receiving upstream data packets in an upstream traffic channel from said CPE devices,

wherein said base station is capable of:

for each of a plurality of said CPE devices, establishing a plurality of associated queues;

receiving a link management message from a first one of said plurality of CPE devices, the link management message requesting a change in bandwidth allocation for an identified queue associated with said first CPE device, wherein said link management message is associated with a wireless media access control (MAC) layer protocol; and

in response to said link management message, re-allocating bandwidth from a first queue associated with said first CPE device to a second queue.

That is, a base station for transmitting and receiving to customer premises equipment (CPE) devices is capable of, for each of a plurality of the CPE devices, establishing a plurality of associated queues.

The base station is further capable of receiving a wireless media access control (MAC) layer link management message from one of the CPE devices, where the message requests a change in bandwidth allocation for an identified queue associated with the CPE device. In response, the base station re-allocates bandwidth from a queue associated with the CPE device to a second queue. The Applicants respectfully submit that the cited references fail to teach, suggest or even hint at such a base station.

Neither Stanwood '068 nor Stanwood '866 mentions queues. While Spinar appears to describe individual quality-of-service queues for a CPE device, the Applicants respectfully submit that Spinar does not describe a base station that receives a MAC layer message from a CPE device requesting a change in bandwidth for a queue associated with the CPE device where, in response, the base station re-allocates bandwidth from one queue associated with the CPE device to another queue.

For at least these reasons, amended independent Claim 1 is patentable over the cited references. Amended independent Claims 8, 15 and 20 recite analogous limitations to the novel and non-obvious limitations emphasized in traversing the rejection of Claim 1. Therefore, Claims 8, 15

and 20 also are patentable over the cited references. Claims 2-7, 9-14 and 16-19 depend from Claims 1, 8 and 15, respectively, and include all the limitations of their respective base claims. As such, Claims 2-7, 9-14 and 16-19 also are patentable over the cited references.

The Applicants also disagree with the Examiner's rejections of Claims 1-20 based on additional misdescriptions and/or misapplications of the Stanwood '068, Spinar and Stanwood '866 references to at least some of Claims 1-20. However, the Applicants' arguments regarding those other shortcomings of the Stanwood '068, Spinar and Stanwood '866 references are moot in view of the Claim 1 arguments above. The Applicants reserve the right to dispute in future Office Action responses the appropriateness and the applications of the Stanwood '068, Spinar and Stanwood '866 references to the claims of the present application, including the right to dispute assertions made by the Examiner in the December 14, 2007 Office Action.

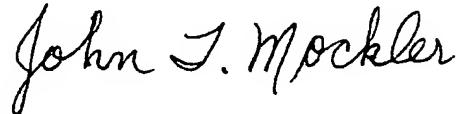
SUMMARY

For the reasons given above, the Applicants respectfully request reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at jmockler@munckbutrus.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS CARTER, P.C.



Date: March 13, 2008

John T. Mockler
Registration No. 39,775

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: jmockler@munckbutrus.com